

532 Rec'd PCT/PCT 11 SEP 2000

Pra titioner's Do ket No. HES 2 0001

## CHAPTER II

## IN THE UNITED STATES ELECTED OFFICE (EO/US)

PCT/IL99/00097 16 Feb 99 16 Feb 98  
 INTERNATIONAL APPLICATION NO. INTERNATIONAL FILING DATE PRIORITY DATE CLAIMED  
 Methods For The Preparation of Nanosized Material Particles  
 TITLE OF INVENTION  
 Nissim Garti et al.  
 APPLICANT(S)

Box PCT  
 Assistant Commissioner for Patents  
 Washington, D.C. 20231  
 ATTENTION: EO/US

COMPLETION OF FILING REQUIREMENTS  
 FOR INTERNATIONAL APPLICATION ENTERING U.S. NATIONAL STAGE  
 IN U.S. ELECTED OFFICE (EO/US) UNDER 35 U.S.C. § 371

## CERTIFICATION UNDER 37 C.F.R. § 1.10\*

(Express Mail label number is mandatory.)  
 (Express Mail certification is optional.)

I hereby certify that this Completion of Filing Requirements and the papers indicated as being transmitted therewith are being deposited with the United States Postal Service on this date September 11 2000, in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESSEE" Mailing Label Number EL530411388US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Chuck Dunbar

(type or print name of person mailing paper)



Signature of person mailing paper

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. § 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**\*WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Completion of Filing Requirements for International Application Entering U.S. Elected Office (EO/US)

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[13-19]—page 2 of 5)

(Completion of Filing Requirements for International Applications Entering U.S. Patent Office (EO/VS)

- Attached is a
- ☐ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.
- ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

(complete (c) or (d), if applicable)

- ☐ The original oath was objected to. A new original oath is attached.

NOTE: See 37 C.F.R. § 1.41(g).

§ 1.10(c).

NOTE: Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia, 37 C.F.R. § 1.10(c).

M.P.E.P. § 601.01(g). 7th ed. Notice of September 12, 1983 (1035 O.G. 3). See M.P.E.P. § 601.01(g).

(E) the which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration.

(D) title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or

(C) attorney docket number which was on the specification as filed;

(A) application number (consisting of the series code and the serial number, e.g., 08/123,456); (B) serial number and filing date;

specification to which it applies are:

NOTE: Acceptable minimums in the declaration in an ordinarily filed U.S. application for identification of the

NOTE: For surcharge fee for filing declaration after filing date complete item IV(2).

oath or declaration is attached.

- ☐ The declaration or oath that was determined to be defective. A new original

OR

1. ☒ No original declaration or oath was filed. Enclosed is the original declaration or oath for this application.

## DECLARATION OR OATH

37 C.F.R. § 1.495(g).

NOTE: Documents and fees must be clearly identified as a submission to enter the national stage under 35 U.S.C. § 371. Otherwise, the submission will be considered as being made under 35 U.S.C. § 111.

not covered by an ordinary certificate of mailing. 37 C.F.R. § 106.2(k).

Where the items being submitted to complete the entry of the international application into the national phase are subsequent to 30 months from the priority date the application is still considered to be in the international state and if mailing procedures are utilized to obtain a date the express mail procedure of 37 C.F.R. § 1.10 must be used (because international application papers are

WARNING: A copy of FORM PCT/DO/EO/905 accompanies this response.

☒ This reply to the Notice of Missing Requirements under 35 U.S.C. § 371 and 37 C.F.R. § 1.495 (FORM PCT/DO/EO/905).

(check and complete the applicable item, if applicable)

RECEIVED

HES 2 0001  
09/622,299**AMENDMENT****II.** *(complete as applicable)*

- ☐ An amendment in accordance with 37 C.F.R. § 1.121 is attached.
- ☐ The attached amendment cancels claims \_\_\_\_\_ inclusive.

**TRANSMITTAL OF ENGLISH TRANSLATION  
OF NON-ENGLISH LANGUAGE PAPERS**

- III.** ☐ Submitted herewith is an English translation of the non-English language international application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO. (See 37 C.F.R. § 1.495(c))

NOTE: For fee for processing a non-English application, complete item IV(3).

NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 C.F.R. § 1.69(b).

**FEES****IV.**

NOTE: See 37 C.F.R. § 1.28(a).

**1. Fees for claims**

- ☐ each independent claim in excess of 3  
(37 C.F.R. § 1.492(b))—\$78.00; small entity—\$39.00 \$ \_\_\_\_\_
- ☐ each claim in excess of 20  
(37 C.F.R. § 1.492(c))—\$18.00; small entity—\$9.00 \$ \_\_\_\_\_
- ☐ multiple dependent claims(s)  
(37 C.F.R. § 1.492(d))—\$260.00; small entity—\$130.00 \$ \_\_\_\_\_

**2. Surcharge fees**

- ☐ surcharge set forth in 37 C.F.R. § 1.492(e) for accepting the declaration later than 30 months after the priority date in filing an application in the U.S. as a designated office—\$130.00; small entity—\$65.00 \$ 130.00

NOTE: The processing fee in the next item 3 below is not subject to a reduction for small entity status.

- 3.** ☐ processing fee set forth in 37 C.F.R. § 1.492(f) for acceptance of an English translation later than 30 months after the priority date—\$130.00 \$ \_\_\_\_\_

**Total fees**

\$ 130.00

**SMALL ENTITY STATUS**

- V.** ☐ A statement that this filing is by a small entity

NOTE: See 37 C.F.R. § 1.28(a).

*(check and complete applicable items)*

- ☐ is attached.
- ☐ A separate refund request accompanies this paper.

(Completion of Filing Requirements for International Application Entering U.S. Elected Office (EO/US)  
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(Completion of Filing Requirements for International Application Entering U.S. Elected Office (EO/US)  
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NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. § 1.22(b).

- ☐ A duplicate of this request is attached.  
☐ Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_  
☒ Enclosed is a check in the amount of \$ 130.00

## VIII.

## PAYMENT OF FEES

\_\_\_\_\_ \$ 130.00  
 \_\_\_\_\_ \$ 130.00  
 \_\_\_\_\_ \$ 130.00  
 Extension fee (if any) \_\_\_\_\_  
 Completion fee(s) \_\_\_\_\_  
 TOTAL FEE DUE \$ 130.00

The total fee due is:

## VII.

## TOTAL FEE DUE

- ☐ (b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

or

Extension fee due with this request \$ \_\_\_\_\_  
 of extension now requested.

- ☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months

(check and complete the next item, if applicable)

If an additional extension of time is required, please consider this a petition therefor.

Fee: \$ \_\_\_\_\_

<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 380.00	\$ 190.00
<input type="checkbox"/> three months	\$ 870.00	\$ 435.00
<input type="checkbox"/> four months	\$ 1,360.00	\$ 680.00

- ☐ (a) Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked out below:

The proceedings herein are for a patent application. Accordingly, the provisions of 37 C.F.R. § 1.136(a) apply.

## VI.

(complete (a) or (b), as applicable)

## EXTENSION F TIME

HES 2 0001  
09/622,299**AUTHORIZATION TO CHARGE ADDITIONAL FEES****IX.**

**WARNING:** Accurately count claims, especially multiple dependant claims, to avoid unexpected high charges if extra claims are authorized.

**NOTE:** "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

**NOTE:** "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

- ☐ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the entire pendency of this application to Account No. \_\_\_\_\_

☐ 37 C.F.R. §§ 1.492(a)(1), 1.492(a)(4) (filing fees)

☐ 37 C.F.R. § 1.492(b), (c), and (d) (presentation of extra claims)

**NOTE:** Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

☐ 37 C.F.R. § 1.17 (application processing fees)

☐ 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a)).

☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b)).

**NOTE:** Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).

**NOTE:** 37 C.F.R. § 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee." From the wording of 37 C.F.R. § 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

- ☒ 37 C.F.R. § 1.492(e) and/or (f) surcharge fees for filing the declaration and/or an English translation of an international application later than 30 months from the earliest-claimed priority date

**WARNING:** It would be wise to always check this last authorization.

  
**SIGNATURE OF PRACTITIONER**

Patrick R. Roche

(type or print name of practitioner)

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